

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James A. Anderson,

Plaintiffs,

Civil File No.: 06-CV-5028
[PGS/JJG]

v.

John S. Spreiter, Mary E. Spreiter, Home
State Bank, a Minnesota corporation, CJB, LLC,
a Minnesota limited liability company,
Banken Real Estate Investments, LLC,
a Minnesota limited liability company,
and Chad Banken,

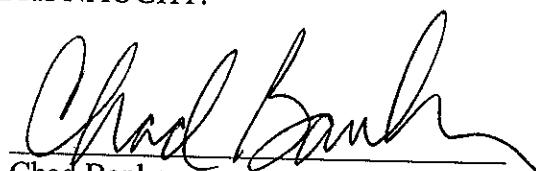
Defendants.

AFFIDAVIT OF CHAD BANKEN

Chad Banken, being first duly sworn on oath, deposes and says as follows:

1. I am a member of CJB, LLC and Banken Real Estate Investments, LLC.
2. CJB, LLC, Banken Real Estate Investments, LLC and myself intended the transaction in this matter to be a sale and not a loan.

FURTHER YOUR AFFIANT SAYETH NAUGHT.



Chad Banken

Subscribed and sworn to before me
this 30th day of November, 2007.

Christine L. Conati
Notary Public

